

Serial No. : 10/032,588
Docket No. : 40655.3800

REMARKS

In reply to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this Reply, Applicants amend claims 1, 3-5 and 8-13. No new matter is added by these amendments. Applicants do not cancel or add any new claims. Accordingly, claims 1-13 are pending.

I. Claims Rejected under 35 U.S.C. § 103

The Examiner rejects claims 1-13 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,408,282 issued to Buist ("Buist") in view of U.S. Statutory Invention Registration No. H2064 issued to Buchalter ("Buchalter"). Applicants respectfully traverse the rejection.

The Examiner characterizes Buist as disclosing "opening a brokerage account for said applicant" but not disclosing "in response to a favorable credit decision" (See Paper No. 20041211, page 3). The Examiner relies on Buchalter to cure the defects of Buist. However, Applicants submit Buchalter fails to cure such defects.

Buist generally discloses a computer-aided system of trading securities over the Internet (See Col. 1, lines 9-11). When a user desires to use the Buist system, the user must download the full application software from an application server, and open the application on his/her personal computer (See Col. 16, lines 62-65). As such, Applicants agree with the Examiner that Buist fails to teach at least "in response to a favorable credit decision" as recited in independent claims 1, 11, and 12.

Applicants submit Buchalter fails to cure the defects of Buist because Buchalter is limited to "an automated method and system for trading fixed income securities," (See Col. 1, lines 5-6) wherein:

Financial data related to [a] live order can be transmitted to a credit system and approval from the credit to process the trade can be received. In one embodiment, transmission of the financial data can be accomplished by real time trade monitoring via client web access. The credit service can provide a credit authorization for a given trade after referencing a credit limit for the client involved and calculating a level of credit extended to the client inclusive of an amount necessary to execute the order (emphasis added). (Col. 3, lines 31-42).

As such, Applicants submit Buchalter discloses a system where live orders for trading a fixed

AXP NO: TH200105204
1636128

5

Serial No. : 10/032,588
Docket No. : 40655.3800

income security are transmitted to and approved/declined by a credit service on a trade-by-trade basis. Buchalter discloses providing credit authorization for a given trade for a user who already has an established account, but not for opening a brokerage account. Accordingly, Buchalter does not disclose at least "in response to a favorable credit decision, opening a brokerage account for said applicant" as similarly recited in independent claims 1, 11 and 12.

In addition, Applicants submit the teachings of Buist and Buchalter have been improperly piecemealed together simply to find the elements of "opening an account" and "credit decision" without regard to their respective contexts. Applicants submit this combination is improper because claims 1, 11 and 12 each recite a similar element of, "in response to a favorable credit decision, opening a brokerage account for said applicant" (emphasis added) which elements must be read together as a whole, not on an element by element basis. (See MPEP §§ 2143 and 2143.01) Thus, there is no motivation for one skilled in the art to combine a credit service for approving a trade on a trade-by-trade basis upon referencing a user's established credit limit on an existing account (See Buist), and opening an account to establish a credit limit (See Buchalter) to form the presently claimed invention that receives a credit decision prior to opening a brokerage account.

Claims 2-10 and 13 variously depend from independent claims 1 and 12, respectively, and include all of the elements thereof. Therefore, Applicants submit claims 2-10 and 13 are not obvious over Buist in view of Buchalter at least for the same reasons as set forth above for differentiating claims 1 and 12, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-10 and 13.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned.

Serial No. : 10/032,588
Docket No. : 40655.3800

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 1928-14 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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AXP NO: TH200105204
1636128

7